

H. B. No. 411.

House Bill No. 411, passed by the Regular Session of the Fortieth Legislature, being "AN ACT to create a more efficient road system for San Saba County, Texas, and making the commissioners of said county ex-officio road commissioner in their respective precincts and prescribing their duties as such, and providing for the compensation of road commissioners, defining the duties of the commissioners' court with reference to roads and bridges; providing for the appointment of overseers, and defining their duties, and providing for compensation for certain labors; providing penalties for violation of the provisions of this Act; giving persons subject to road duty in San Saba County and persons summoned to work on the public roads of said county the right to be relieved from the discharge of such duty upon the payment of specific sums of money herein stipulated; and providing for the accounting for and the disposition to be made of the money so paid; limiting the purpose for which road and bridge funds shall be used; authorizing and providing for the working of county convicts upon the public roads, and providing for the payment of officer's fees; providing that delinquent poll tax payers shall be subject to three days road duty; requiring the tax collector of San Saba County to furnish to the Commissioners' Court a list of all persons who fail to pay their poll tax; providing for the condemnation of any land needed for the widening, straightening, changing or draining of public roads; providing for the taking of timber, gravel, earth, stone or other material for the making or improving of public roads and bridges; requiring certain road and bridge work to be done by contract; authorizing and empowering the said San Saba County to issue bonds for the construction and maintenance of public roads and bridges within said county, and to provide for a tax to create a sinking fund to pay the same; providing that this Act shall control in San Saba County in all cases wherein it differs from or is inconsistent and conflicts with the general law on the subject of roads and bridges, and declaring an emergency", is intended to create a more efficient road system for San Saba County alone. The law has application in but one county of this State.

It will be observed that certain sections of this Bill attempt to define certain acts as constituting a criminal offense and fix a punishment therefor.

Upon inquiry of the Attorney General with reference to House Bill No. 593, which involved the same principle and question of law, I was advised that it was their opinion that "an offense cannot be created to apply only to a certain subdivision". The sense of the opinion being that a law could not render people of one territory subject to criminal prosecution, when people of another section are not subject thereto.

I have no objection to the general purpose of this Bill in so far as it applies to the development of the road system in the county affected by its terms.

For the reasons indicated, this Bill is vetoed.

  
GOVERNOR OF TEXAS

April 4, 1927.